

PATENT

Attorney Docket No. ATT 2002-0372

**REMARKS**

In view of the following discussion, the Applicants submit that none of the claims now pending in the application is obvious under the provisions of 35 U.S.C. § 103. Thus, the Applicants believe that all of these claims are now in allowable form.

**I. REJECTION OF CLAIMS 1-21 UNDER 35 U.S.C. § 103****Claims 1, 3 and 7**

The Examiner has rejected claims 1, 3, and 7 under 35 U.S.C. § 103(a) as unpatentable over Kung et al. (US Patent Number 6,496,483, issued December 17, 2002, hereinafter called Kung) in view of Cox (US Patent Number 6,498,843, issued December 24, 2002, hereinafter called Cox). The Applicants respectfully traverse the rejection.

Kung only teaches that an IP phone can be monitored. More specifically, Kung teaches that the IP phone can be simultaneously monitored from a plurality of monitoring stations. (See Kung, Abstract, Column 1, lines 37-54)

Cox only teaches that signals in a network can be monitored. Specifically, Cox teaches that intercepted signal can be routed to a collection node based upon a trigger. (See Cox, Abstract, Column 2, lines 17-26)

The Examiner's attention is directed to the fact that the alleged combination of Kung and Cox (either singly or in any permissible combination) fails to teach or suggest the novel method of intercepting a voice/multimedia communication in a virtual private network by duplicating and re-originating the plurality of packets and the signaling information in the virtual private network, as claimed by the Applicants. Specifically, Applicants' independent claim 1 positively recites:

1. Method of intercepting a voice/multimedia communication in a virtual private network, the method comprising:
  - setting up the voice/multimedia communication in the virtual private network, the communication composed of a plurality of data packets and signaling information;
  - extracting an identifying information for the voice/multimedia communication from the signaling information;

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determining whether at least one participant in the voice/multimedia communication matches an intercept subject; duplicating the plurality of data packets and the signaling information if it is determined that there is a match; and re-originating the plurality of data packets and the signaling information in the virtual private network. (Emphasis added)

Applicants' invention addresses the criticality where it is necessary to intercept communication in a virtual private network (VPN). The difficulty arises because in a VPN, voice and/or multimedia calls are encrypted and the data packets are "connectionless", i.e., not transported along any specific path. To address this criticality, Applicant's invention teaches the novel concept of intercepting a voice/multimedia communication in a virtual private network by duplicating and re-originating the plurality of packets and the signaling information in the virtual private network. This concept is completely absent in the alleged combination.

First, the Examiner conceded that Kung does not teach a VPN network. However, the Examiner alleged that Cox teaches such a network. Applicants respectfully disagree. Cox does not teach a VPN network. Specifically, there is no teaching that the monitoring is occurring in a VPN network. As such, both Kung and Cox must necessarily fail to teach or suggest the steps of duplicating and re-originating the plurality of packets and the signaling information in the virtual private network. Therefore, the Applicants submit that for at least the reasons set forth above, independent claim 1 fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder.

Dependent claims 3 and 7 depend from claim 1 and recite additional features therefore. As such, and for at least the reasons set forth above, the Applicants submit that claims 3 and 7 are not made obvious by the teachings of Kung and Cox. Therefore, the Applicants submit that dependent claims 3 and 7 also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

#### Claims 2 and 8

Claims 2 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kung in view of Cox and further in view of Howell (US Patent Number 5,920,611,

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issued July 6, 1999, hereinafter called Howell). The Applicants respectfully traverse the rejection.

Howell teaches a method of intercepting telecommunications. Specifically, it teaches the recording of the intercepted communications. (See Howell, Abstract)

The Examiner's attention is directed to the fact that the alleged combination of Kung, Cox and Howell (either singly or in any permissible combination) fails to teach or suggest the novel method of intercepting a voice/multimedia communication in a virtual private network by duplicating and re-originating the plurality of packets and the signaling information in the virtual private network, as claimed by the Applicants.

Namely, the significant gap left by Kung and Cox is not bridged by Howell. Specifically, Howell fails to teach or suggest that the monitoring is occurring in a VPN network. As such, both Kung, Cox and Howell must necessarily fail to teach or suggest the steps of duplicating and re-originating the plurality of packets and the signaling information in the virtual private network. Therefore, the Applicants submit that for at least the reasons set forth above, independent claim 1 fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder.

Dependent claims 2 and 8 depend from claim 1 and recite additional features therefore. As such, and for at least the reasons set forth above, the Applicants submit that claims 2 and 8 are not made obvious by the teachings of Kung, Cox and Howell. Therefore, the Applicants submit that dependent claims 2 and 8 also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

#### Claims 4-6

Claims 4-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kung in view of Cox, further in view of Partridge, III (US Patent Number 5,473,671, hereinafter called '671 patent) or Partridge, III (H1714, hereinafter called H1714). The Applicants respectfully traverse the rejection.

The Examiner's attention is directed to the fact that the alleged combination of Kung, Cox, and '671 or H1714 (either singly or in any permissible combination) fails to teach or suggest the novel method of intercepting a voice/multimedia communication in a virtual private network by duplicating and re-originating the plurality of packets and the

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signaling information in the virtual private network, as claimed by the Applicants. Namely, the significant gap left by Kung and Cox is not bridged by '671 or H1714. Specifically, '671 or H1714 fails to teach or suggest that the monitoring is occurring in a VPN network. As such, both Kung, Cox and '671 or H1714 must necessarily fail to teach or suggest the steps of duplicating and re-originating the plurality of packets and the signaling information in the virtual private network. Therefore, the Applicants submit that for at least the reasons set forth above, independent claim 1 fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder.

Dependent claims 4-6 depend from claim 1 and recite additional features therefore. As such, and for at least the reasons set forth above, the Applicants submit that claims 4-6 are not made obvious by the teachings of Kung, Cox and '671 or H1714. Therefore, the Applicants submit that dependent claims 4-6 also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

#### Claims 9-17 and 21

Claims 9-17 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kung in view of the admitted prior art (FIG. 1 of the Application). Applicants respectfully traverse the rejection.

The Examiner's attention is directed to the fact that the alleged combination of Kung, and FIG. 1 of Applicants' Application (either singly or in any permissible combination) fails to teach or suggest the novel method of intercepting a voice/multimedia communication in a virtual private network by duplicating and re-originating the plurality of packets and the signaling information in the virtual private network, as claimed by the Applicants. Namely, the significant gap left by Kung is not bridged by FIG. 1 of Applicants' Application. Specifically, FIG. 1 of Applicants' Application fails to teach or suggest the steps of duplicating and re-originating the plurality of packets and the signaling information in the virtual private network. Therefore, the Applicants submit that for at least the reasons set forth above, independent claim 9 fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder.

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Dependent claims 10-17 and 21 depend from claim 9 and recite additional features therefore. As such, and for at least the reasons set forth above, the Applicants submit that claims 10-17 and 21 are not made obvious by the teachings of Kung and FIG. 1 of Applicants' Application. Therefore, the Applicants submit that dependent claims 10-17 and 21 also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

#### Claims 18-20

Claims 18-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kung, in view of Admitted Prior Art (FIG. 1), and further in view of the patent '671 or H1714. The Applicants respectfully traverse the rejection.

The Examiner's attention is directed to the fact that the alleged combination of Kung, FIG. 1 of Applicants' Application and '671 or H1714 (either singly or in any permissible combination) fails to teach or suggest the novel method of intercepting a voice/multimedia communication in a virtual private network by duplicating and re-originating the plurality of packets and the signaling information in the virtual private network, as claimed by the Applicants. Namely, the significant gap left by Kung and FIG. 1 of Applicants' Application is not bridged by '671 or H1714. Specifically, '671 or H1714 fails to teach or suggest the steps of duplicating and re-originating the plurality of packets and the signaling information in the virtual private network. Therefore, the Applicants submit that for at least the reasons set forth above, independent claim 9 fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder.

Dependent claims 18-20 depend from claim 9 and recite additional features therefore. As such, and for at least the reasons set forth above, the Applicants submit that claims 18-20 are not made obvious by the teachings of Kung, FIG. 1 of Applicants' Application and '671 or H1714. Therefore, the Applicants submit that dependent claims 18-20 also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

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**CONCLUSION**

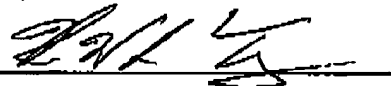
Thus, the Applicants submit that all of these claims now fully satisfy the requirement of 35 U.S.C. § 103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly requested.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

8/3/05

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